

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

In re Deere & Co. Repair Services
Antitrust Litigation.

Case No. 22 CV 50188
Judge Iain D. Johnston

Federal Trade Commission, et al.,
Plaintiffs,
v.
Deere & Co.,
Defendant.

Case No. 25 CV 50017
Judge Iain D. Johnston

ORDER

AGCO Corp., an intervenor for a limited purpose, has filed motions to reconsider in cases 22 CV 50188, Dkt. 293 and 25 CV 50017, Dkt. 181. The basis for the motions is that the Court's order contained a mistake of fact. And that it did. The Court wears the jacket for that error.

Factual mistakes can be a basis for reconsideration. *Caisse Nationale de Credit Agricole v. CBI Inds.*, 90 F.3d 1264, 1269 (7th Cir. 1996). But to succeed on a motion to reconsider based on a mistake of fact, the movant must show that rectifying the mistake would change the outcome of the decision. *See Southfield Educ. Ass'n v. Bd. of Educ. of the Southfield Pub. Sch.*, 319 F. Supp. 3d 898, 902 (E.D. Mich. 2018); *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997). Simply

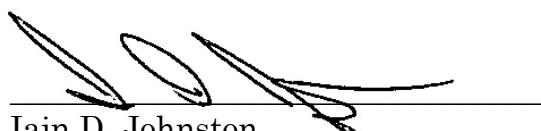
put, any error that is corrected must change the result. *Barnes v. D.C.*, No. 06-cv-315, 2012 U.S. Dist. LEXIS 206242, at *7 (D.D.C. Oct. 31, 2012).

The Court's factual error doesn't affect the outcome. The Court's ultimate basis for its ruling remains sound. If the information is not provided to Deere, then the FTC has a knowledge advantage. So, Deere should receive the contested documents and information in its case against the FTC. And once Deere receives the contested documents and information, it possesses a knowledge advantage over the MDL Plaintiff's in that action. So, the MDL Plaintiffs should receive the contested documents and information in that action, too.

The Court apologizes for the factual mistake. As Magistrate Judge Jeff "Ace" Cole repeatedly recognized, judges make mistakes and when they do, they should say so. *Motorola Sols., Inc. v. Hytera Communs. Corp.*, 314 F. Supp. 3d 931, 936 (N.D. Ill. 2018) ("[A]ll judges make mistakes, and, when possible, it is best that judges put them right.") (cleaned up). But correcting the factual mistake doesn't affect the outcome of the Court's decision, so the motions to reconsider [293 in 22 CV 50188] and [181 in 25 CV 50017] are denied.

Date: September 11, 2025

By:



Iain D. Johnston
United States District Judge